

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Beverly Ann Shaw,

Plaintiff,

v.

Haynes Incorporated; The MIL  
Corporation; Jess Wyke; and Sadie Davis

Defendants.

Case No. 2:23-cv-04672-RMG

**ORDER AND OPINION**

This matter is before the Court on the Magistrate Judge’s Report and Recommendation (“R & R”), recommending this case be summarily dismissed. (Dkt No. 20). Plaintiff filed objections to the R & R. (Dkt. No. 22). For the reasons set forth below, the Court adopts the R & R as the order of the Court and summarily dismisses Plaintiff’s case without further leave to amend.

**I. Background**

Plaintiff, proceeding *pro se*, initiated this employment dispute, challenging the termination of her employment with Haynes Incorporated and The MIL Corporation. (Dkt. No. 10-1 at 1-5). The Magistrate Judge issued an R & R, recommending the action be summarily dismissed without further leave to amend. (Dkt. No. 20 at 9-10). Plaintiff objected to the R & R. (Dkt. No. 22). The matter is now ripe for the Court’s review.

**II. Standard**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and

Recommendation to which specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

### **III. Discussion**

After review of the Amended Complaint, the R & R, and Plaintiff's objections, the Court finds that the Magistrate Judge and correctly found that Plaintiff's case should be dismissed for lack of subject matter jurisdiction.

Specifically, the Court agrees that the Court lacks federal question jurisdiction because the Amended Complaint does not assert any specific federal causes of action. The Court agrees that Plaintiff's mentions of emotional and hostile work environment is not sufficient to plead a claim under Title VII. The Magistrate Judge liberally read Plaintiff's Amend Complaint in her favor and still found that Plaintiff failed to allege, or even suggest, that her experiences with her former employers were based on a protected characteristic, which is a required element of a hostile work environment claim. Additionally, the Magistrate Judge correctly found that Plaintiff's allegations that Defendants were cruel and unprofessional do not demonstrate that the defendants created a discriminatory work environment actionable under Title VII. Because Plaintiff failed to state a hostile work environment claim under Title VII, or assert any other federal cause of action, the Court lacks federal question jurisdiction.

Additionally, the Court agrees that, to the extent Plaintiff is asserting state law claims, diversity jurisdiction does not exist because Plaintiff and Defendants Davis and Wyke appear to be citizens of South Carolina.

Plaintiff's objections are unavailing. Plaintiff does not specifically object to the R & R. (Dkt. No. 22 at 1-2). She instead recites the allegations of the Complaint by hypothetically putting the Court "in the plaintiff's life." (*Id.*) Plaintiff does not suggest that she seeks to assert a

hostile work environment claim and does not suggest that her experiences with her former employers were based on a protected characteristic. Plaintiff also does not assert that Defendants Davis or Wyke are citizens of a state other than South Carolina. Because Plaintiff did not directly address the deficiencies identified by the R & R or add any additional facts that would allow Plaintiff to sustain a federal cause of action, the Court overrules Plaintiff's objections.

Accordingly, the Court dismisses the case for lack of subject matter jurisdiction.

#### **IV. Conclusion**

For the reasons stated above, the Court **DISMISSES** this action without further leave to amend.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

August 20, 2024  
Charleston, South Carolina